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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment pronounced on: 01.07.2026+ CONT.CAS(C) 336/2024

[REDACTED]

[REDACTED]

Mr. Rubinder Ghuman, Ms. Anu Mehta, Mr. Rajat Tyagi, Ms. Adya Nanda, Advocates.

versus

[REDACTED]

Through:

....Respondents

Mr. Mohit Mathur, Sr. Advocate along with Mr. Aditya Sharda, Advocate for R-2 and R-3 (in person). Mr. Jatan Singh, Sr. Advocate along with Mr. Siddharth Singh, Ms. Vanishka Adhana, Mr. Jashank Srivastav and Mr. Kartikeya Basoya, Advocates.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****JUDGMENT**

1. The present petition has been filed by the petitioner seeking initiation of contempt proceedings for breach of the judgment/order dated 11.06.2015 passed by this Court in MAT.APP.(F.C.) No. 78/2015. The said judgment/order, *inter alia*, holds as under:

30. Having now come across a number of cases of matrimonial and custody disputes, in the civil and criminal jurisdictions, the Court notes with concern that there a growing trend among parties and their lawyers to readily disclose in the petitions, in the form of pleadings and documents, the most private and personal details of their clients and of the opposite parties, without a thought for the privacy implications, or even embarrassment potential, that it has. All too often no attempt is made to first seek the leave of the Court to tender the documents, be it in the form of private letters, notings, photographs, electronic evidence including video



clips, text messages, chat details, emails, CCTV footage etc. the contents of which are of a private and personal nature. The Court has to consider if such documents are relevant to the case and how they should be presented, preserved and provided to the parties.

31. The Court considers it appropriate to issue the following directions to the Family Courts in Delhi, the parties and the lawyers, to be followed hereafter in the cases pending in those Courts:

(i) Where a party in a case seeks to rely upon a document which in his or her assessment or the assessment of the party's lawyer is of a sensitive nature, viz., which contains details of a personal or private nature concerning a party or a person or their conduct, which when disclosed is likely to affect the right to privacy, or cause embarrassment, then such party and/or the lawyer of such party will first apply to the Court seeking leave to produce such document in a sealed cover. Till such time that leave is granted the contents of the said document shall not be extracted in the pleadings or a copy of the whole or part thereof enclosed with the petition. For this purpose a document would include any writing, private letters, notings, photographs, and documents in electronic form including video clips, text messages, chat details, emails, printed copies thereof, CCTV footage etc.

(ii) Where upon a party applying under (i) above, or where any other party, or the Family Court on its own, comes across a document on record in the case which is prima facie of a sensitive nature, viz., which contains details of a personal or private nature concerning a party or a person or their conduct which when disclosed is likely to affect the right to privacy, or cause embarrassment, the Family Court will pass appropriate orders concerning the said document including providing copies thereof to the parties, preserving the originals or copies as the case may be in a sealed cover, de-sealing for being produced during Court proceedings and re-sealing after the purpose for which they are directed to be produced is over.

(iii) The Family Court will also bind down by specific directions, the parties and their respective lawyers, and the Court staff regarding the making of copies, use, preservation and dissemination of such document with a view to maintaining its confidentiality. The Family Court can also pass necessary directions to specify the conditions upon which access would be permitted to such document by third parties.

(iv) The Family Court will endeavour to decide on the issues at (i) (ii) and (iii) above, without unnecessary delay, in accordance with law. The above directions are in the nature of broad guidelines and can be suitably modified and adapted/ applied to a given situation by the Family Court. The Family court will, however, at all times keep in view the requirements of protecting the rights to privacy and dignity of the parties and persons.



(v) *The Family Court should as far as possible and practicable invoke the power under Section 11 of the Family Courts Act 1984 and hold the proceedings in camera. Where the circumstances so warrant, the Family Court may in the orders uploaded on the website or made available otherwise, suitably anonymize the names of the parties.*

32. *Unless there is a specific order of the Family Court, or where the party thinks it to be absolutely essential, or where suitable alternative arrangements are unable to be made, parties should avoid bringing children to the Family Court on a routine basis. Lawyers should also advise their clients in this regard since repeated visits to Courts to witness the legal contests between and among parents and relatives is not desirable or conducive for the healthy development of children.*

33. *The above direction shall also apply, as far as possible, hereafter to appeals or further proceedings in this Court emanating from the orders of the Family Court.*

34. *As far as the present appeal is concerned, in light of what has been discussed in the judgment, and in the facts of this case, and with a view to respecting the right to privacy of not only the parties but in the best interests of the child, the Court has decided that the names of the parties as appearing in the cause title should be anonymized. The Registry is directed to remove the entire Annexure P-18 from all the paper books (including those of the judges) and place one copy in a separate sealed cover which will be kept with the Registrar. The other copies shall be weeded out by shredding. The contents of the sealed cover will be allowed to be inspected only upon specific prior permission being sought from the Court. Likewise, the Appellant and his lawyers are directed not to disseminate or publish in any manner or make public the contents of Annexure P-18 to the present appeal hereafter.*

35. *The appeal and the application are dismissed in the above terms. A copy of this judgment be sent to the Family Court concerned.*

36. *A copy of this judgment be sent to each of the Judges in Charge of the Family Courts in Delhi, the District Judges of each District, the Bar Council of Delhi and each of the Bar Association in the District Courts and the High Court for compliance and observance of the directions issued in paras 31 to 33 of the judgment.*

FACTUAL BACKGROUND:

2. The grievance of the petitioner, putting briefly, is that the respondents while filing pleadings in a matrimonial matter, annexed certain photographs of the petitioner of the most intimate kind and placed them on record of the Family Court. This, it is alleged, violates the directions contained in the



aforesaid judgment/order dated 11.06.2015 passed in MAT.APP.(F.C.) No. 78/2015.

3. The respondent no.1 is the estranged husband of the petitioner. The respondent no(s). 2 and 3 herein are the advocates who, at the material time, had represented respondent no. 1 in the said proceedings.

4. The marriage between the petitioner and the respondent no. 1 was solemnized on 05.02.2022. It is not in dispute that the relationship soured soon thereafter, and on 08.08.2023, the petitioner, alleging cruelty and harassment at the hands of the respondent no.1 and his family members, instituted a complaint under the Protection of Women from Domestic Violence Act, 2005 (DV Act) bearing M.C. No. 556/2023.

5. Subsequently, on 23.08.2023, the respondent no.1 instituted HMA Petition No. 2578/2023 before the Family Court, Tis Hazari Courts, seeking dissolution of marriage. In that petition, filed through respondent nos.2 and 3, photographs depicting the private anatomy of the petitioner, purportedly, forming the part of a whatsapp communication between the respondent no.1 and the petitioner's doctor, were annexed at pages 105-115.

6. Crucially, these photographs were placed on record without redaction and without the protection of a sealed cover. Notice of Motion of the aforesaid Divorce petition was issued by the learned Principle Judge, Family Court *vide* order dated 26.08.2023. It was upon perusing the petition that the petitioner discovered the offending annexures. Thereafter, the petitioner moved an application under Sections 18 and 23 of the DV Act, praying for directions restraining the respondents therein from distributing/circulating the objectionable material which violates the petitioner's right to privacy.



7. *Vide* order dated 15.01.2024, the said application was dismissed, *inter alia*, on the ground that the petitioner had failed to demonstrate as to how the act of annexing the offending document/s fell within the sweep of Section 18 of the DV Act.

8. It is in the above background that the present contempt petition has been filed by the petitioner contending that by filing her intimate photographs in the manner as aforesaid, the respondents have flouted the directions issued by this Court in MAT.APP.(F.C.) No. 78/2015.

9. The respondents in their reply have sought to contend that the directions contained in the judgment/order dated 11.06.2015 were general in nature, not passed in proceedings between the present parties and that the said directions inadvertently escaped the notice of the respondents. On this footing, it is contended that there was no wilful disobedience.

10. The respondents have also tendered an unconditional apology stating as under:

“It is further submitted that in case the directions as contained in the order/judgment dated 11.06.2015 passed in MAT.APP.(F.C.) No. 78/2015 were in the knowledge of the respondents, the answering respondents would have taken due care to comply with such directions and the respondents are also tendering unconditional apology in case the act of filing certain photographs is considered as violation of the general directions issued in some other case that too around 8-9 years back, the present petition is thus liable to be dismissed on this ground also.”

11. I have carefully considered the rival contentions of the parties.

12. At the outset, it is noticed that the directions rendered in the judgment/order dated 11.06.2015 passed in MAT.APP.(F.C.) No. 78/2015 (of which wilful disobedience is alleged), were not issued in proceedings involving the present parties. It is evident from a perusal of the said judgment that it contains general directions. It has been categorically stated



by the respondents that the said directions were not to the knowledge of the respondents. There is no material for this Court to hold that the respondents wilfully flouted the said directions, despite being aware of them.

13. No doubt, filing of the offending photographs was a significant lapse on the part of the respondents. Importantly, however, when being confronted with the same, the respondents did not seek to justify the same. Apart from tendering an unconditional apology in these proceedings and also during the course of hearing, it transpires that the respondents have filed an application before the learned Family Court seeking that the offending documents/photographs be placed in a sealed cover. It has been prayed as under:

- (a) Direct the Ahlmed/court staff to keep documents filed by the petitioner as Annexure P-10 (Colly.) in a sealed Cover and in safe custody during the trial proceedings and may be made available to the parties during the stage of leading evidence or as and when found necessary for the adjudication of the present matter.
- (b) Any other/further order(s) /direction(s), which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present matter may kindly also be passed in the interest of justice.

14. Since the respondents have sought to purge the lapse both by tendering an unconditional apology and by undertaking remedial measures, this Court is not inclined to take any action against the respondents under the Contempt of Courts Act, 1971.

15. However, while absolving the respondents from 'contempt', this Court expresses its strong disapproval for the act complained of viz. the filing of intimate photographs and documents as annexures to a divorce petition. The act of placing on record the aforementioned photographs of the petitioner, was a grave lapse.



16. Even assuming, without this Court expressing any opinion thereon, that the photographs in question bear conceivable relevance to the matrimonial dispute, the most elementary sensitivity apart from the directions contained in MAT.APP.(F.C.) No. 78/2015, demanded that such material, if at all, be filed in a sealed cover, suitably redacted and only with the leave of the Court.

17. The respondent no(s). 2 and 3 being advocates responsible for filing the concerned pleadings and the objectionable documents, are clearly responsible for this lapse. While their unconditional apology has been accepted, this Court cautions them to exercise greater circumspection in future.

18. The zeal to advance a client's cause in a matrimonial litigation can never justify the sacrifice of the dignity of the opposite party, least of all where the opposite party is a woman and the material in question is of such intimate character.

19. This Court also notices that the petitioner, in her rejoinder, has placed on record certain photographs and videos of respondent no. 1 to portray his conduct and character in an unfavourable light. While the gravity of the two sets of material is not comparable, the larger principle applies viz. matrimonial litigations must not be allowed to degenerate into contests of mutual humiliations through weaponisation of private images and intimate material.

20. Considering the circumstances, this Court, while accepting the unconditional apology tendered by the respondents, grants liberty to the petitioner to move appropriate application before the Family Court seeking



masking and anonymization of her identity and protection of the offending material.

21. Learned Family Court is requested to consider and pass appropriate order/s to secure confidentiality of the proceedings and in particular :-

- (i) Remove the photographs/documents appearing at page no. 105-115 of the Divorce Petition (HMA Petition No.2578/2023) together with every copy thereof on record, whether in physical or in any electronic form, from the open record and place them in sealed cover, to be opened only under Court orders and only to the extent necessary for adjudication;
- (ii) Substitute name of the petitioner in cause title and the orders passed, with her initials and mask such particulars likely to disclose her identity;
- (iii) Restrict access to electronic records containing such material and ensure that no certified copy thereof is issued except under express orders of this Court.

22. The respondents are restrained from publishing/ circulating/ reproducing/ uploading or otherwise forwarding, using or sharing the said documents/photographs in any form and through any medium whatsoever.

23. The Registry of this Court is directed to reflect the petitioner by her initials in this judgment and mask any particulars likely to disclose her identity before the judgment is released/uploaded/reported in any manner.

24. It is made clear that this judgment shall not be considered as an expression of opinion of this Court upon merits of any proceedings pending between the parties, including the relevance or admissibility of the offending documents/photographs.



25. The petition stands disposed of in the above terms.

SACHIN DATTA, J

JULY 1, 2026/at/ss